

Exhibit 1

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17 CMG WORLDWIDE, INC.

18
19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

22 CMG WORLDWIDE, INC., an Indiana
Corporation, and MARILYN MONROE
23 LLC, a Delaware Limited Liability
Company,

24 Plaintiffs,

25 v.

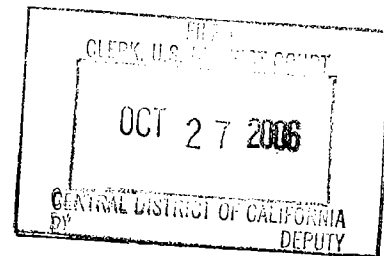
26 TOM KELLEY STUDIOS, INC., a
California Corporation,

27 Defendant.
28

CASE NO. CV-05-02200-MMM (Ex)

**DECLARATION OF AMNON Z.
SIEGEL IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

[Plaintiffs' Opposition to Defendants'
Motion for Summary Judgment; Separate
Statement of Genuine Issues and Additional
Material Facts; Plaintiffs' Evidentiary
Objections; and Declarations of Mark
Roesler, Cristina Piquinela, Anna Strasberg,



and Amy L. Wright filed concurrently
herewith]

Honorable Margaret M. Morrow

Hearing Date: December 11, 2006
Time: 10:00 a.m.

Place: Room 790

Trial Date: June 26, 2007

CMG WORLDWIDE, INC., an Indiana
Corporation, and MARILYN MONROE,
LLC, a Delaware Limited Liability
Company,

Plaintiffs,

v.

THE MILTON H. GREENE
ARCHIVES, INC.,

Defendant.

THE MILTON H. GREENE
ARCHIVES, INC.,

Plaintiff,

v.

CMG WORLDWIDE, INC., an Indiana
Corporation, and MARILYN MONROE,
LLC, a Delaware Limited Liability
Company, ANNA STRASBERG, an
individual,

Defendants.

TOM KELLEY STUDIOS, INC., a
California Corporation,

Plaintiff,

v.

CMG WORLDWIDE, INC., an Indiana
Corporation, and MARILYN MONROE,
LLC, a Delaware Limited Liability
Company, ANNA STRASBERG, an
individual,

Defendants.

DECLARATION OF AMNON Z. SIEGEL

I, AMNON Z. SIEGEL, declare as follows:

1. I am an attorney at law, duly licensed to practice before all of the Courts of the State of California. I am an associate at Gibson, Dunn, and Crutcher LLP in Los Angeles, California, and I represent Plaintiff Marilyn Monroe, LLC (“MMLLC”) in this consolidated action. I have personal knowledge of the matters stated herein and could, and would, testify competently thereto if necessary.

2. Attached hereto as **Exhibit A** is a true and correct copy of this Court’s February 6, 2006 Scheduling Conference Order.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Order Granting Plaintiff’s Motion for Partial Summary Judgment, filed on January 9, 2005 in *Scalf v. Lake County Convention and Visitors Bureau, Inc.*, Cause No. 45D10-0406-PI-00093 (Lake Super. Ct., Crown Point, Ind.).

4. Attached hereto as **Exhibit C** is a true and correct copy of the certified Grant Deed to Marilyn Monroe’s house in Brentwood, California, dated January 22, 1962, and recorded on February 8, 1962 in the Los Angeles County Recorder’s Office.

5. Attached hereto as **Exhibit D** is a true and correct copy of the receipt for the dog license for Marilyn Monroe’s dog, Mafia, registered in the City of Los Angeles, on July 9, 1962.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Application for Lump-Sum Death Payment by Inez Melson on February 19, 1964, for the Department of Health, Education, and Welfare of the Social Security Administration..

7. Attached hereto as **Exhibit F** is a true and correct copy of Marilyn Monroe’s Connecticut Driver’s License, listing her California address, dated July 11, 1962.

8. Attached hereto as **Exhibit G** is a true and correct copy of an article from Life, entitled “Merger of Two Worlds: Marilyn and Joe find a secret wedding is not for them,” dated January 25, 1954.

1 9. Attached hereto as **Exhibit H** is a true and correct copy of an article from
2 the Los Angeles Examiner, entitled "Marilyn Monroe, DiMaggio Married," dated
3 January 15, 1954.

4 10. Attached hereto as **Exhibit I** is a true and correct copy of an article from
5 the San Francisco Chronicle, entitled "Joe's Plan to Be Near Marilyn," dated August
6 14, 1962.

7 11. Attached hereto as **Exhibit J** is a true and correct copy of an article from
8 Life, entitled "Memories of Marilyn," dated August 17, 1962.

9 12. Attached hereto as **Exhibit K** is a true and correct copy of an article from
10 Life, entitled "Marilyn Monroe, The Last Interview," dated August 1992.

11 13. Attached hereto as **Exhibit L** is a true and correct copy of an article from
12 Esquire, entitled "Marilyn Monroe's Last Picture Show," dated July 1973.

13 14. Attached hereto as **Exhibit M** is a true and correct copy of an article from
14 Chicago Tribune, entitled "Marilyn's confidante: The woman Mailer forgot to
15 interview," dated September 11, 1973.

16 15. Attached hereto as **Exhibit N** is a true and correct copy of an article from
17 Cosmopolitan, entitled "Question: Dumb blonde or bluntly honest?," dated May 1953.

18 16. Attached hereto as **Exhibit O** is a true and correct copy of an article from
19 People, entitled "MM's first husband waxes nostalgic," dated May 31, 1976.

20 17. Attached hereto as **Exhibit P** is a true and correct copy of an article from
21 Time, entitled "Storybook Romance," dated January 25, 1954.

22 18. Attached hereto as **Exhibit Q** is a true and correct copy of an article from
23 Los Angeles Times, entitled "Wolves Howl for 'Niece' Just Like Marilyn Monroe,"
24 dated August 27, 1950.

25 19. Attached hereto as **Exhibit R** is a true and correct copy of an article from
26 Los Angeles Times, entitled "Marilyn Monroe Mystery Persists," dated September 29,
27 1985.

1 20. Attached hereto as **Exhibit S** is a true and correct copy of a page from the
2 MSN Encarta Online Encyclopedia about Marilyn Monroe.

3 21. Attached hereto as **Exhibit T** is a true and correct copy of Marilyn
4 Monroe's Declaration of Trust for Gladys Baker, her mother, dated October 26, 1959.

5 I declare under the penalty of perjury under the laws of the United States that
6 the foregoing is true and correct and that this declaration was executed on the 27th day
7 of October, 2006, at Los Angeles, California.

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10 AMNON Z. SIEGEL

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Tab A

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

SCANNED

Case No. **CV 05-02200-MMM(Mcx)**

Date February 06, 2006

CV 05-02516

CV 05-05973 ✓

CV 05-07627

Title **The Milton Green Archives vs. CMG Worldwide, Inc., et al**

Consolidated cases:

Tom Kelley Studios, Inc. vs. CMG Worldwide, Inc.

CMG Worldwide, Inc., et al vs. Tom Kelley Studios

CMG Worldwide, Inc, et al vs. The Milton Green Archives

Present: The Honorable **MARGARET M. MORROW****ANEL HUERTA**

Deputy Clerk

MARK SCHWEITZER

Court Reporter

Attorneys Present for Plaintiffs and Defendants respectfully:

Jonathan Polk via Telephone

William Wegner

Theodore Penny

Surjit Soni

M. Danton Richardson

Proceedings: SCHEDULING CONFERENCE

Scheduling conference is held and counsel are present.

The Court hereby orders that CMG & Marilyn Monroe parties will be deemed plaintiffs in the case and that Milton Green and Tom Kelley Studios parties will be deemed defendants in the case. Defendants' complaints are deemed as defendants' counter-claims. See CV 05-2200 docket entry 1 (filed on March 25, 2005) and CV 05-02568 docket entry 1 (filed on April 7, 2005). All parties are directed to respond to outstanding complaints no later than February 21, 2006.

The parties are directed to the Attorney Settlement Officer Panel for settlement conference to be completed no later than October 13, 2006. (See Order/Referral to ADR Pilot Program).

After conferring with counsel, the Court schedules the following dates:

Rule 26 disclosures:

March 06, 2006

Deadline to file motions/stipulations seeking

amendment of pleadings:

April 03, 2006

Further telephone status conference:

July 20, 2006 at 5:00 p.m.

Fact discovery cut-off:

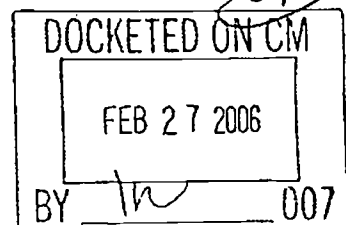
August 11, 2006

Initial expert disclosures:

August 25, 200

Rebuttal expert disclosures:

September 08, 2006



Expert discovery cut-off:

September 29, 2006

(All discovery motions are to be filed sufficiently
in advance of the discovery cut-off date that they
may be heard on or before that date)

Motions hearing cut-off:

October 30, 2006 at 10:00 a.m.

Pretrial Conference:

November 27, 2006 at 9:00 a.m.

(Including motions in limine)

Jury Trial:

January 02, 2007 at 8:30 a.m.

SCANNED

Plaintiffs' counsel is to initiate the call for the further telephone status conference through the telephone operator to include all counsel of record and chambers at (213) 894-2957. If there is any problem completing the call, counsel should contact the courtroom deputy, Anel Huerta, at (213) 894-7857.

Tab B

STATE OF INDIANA)
) SS.
 COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
 CIVIL DIVISION, ROOM SIX
 CROWN POINT, INDIANA

JEFFREY G. SCALF,

Plaintiff,

Cause No. 45D10-0406-PL-00093

v.

LAKE COUNTY CONVENTION AND
 VISITORS BUREAU, INC.,

Defendant.

Filed in Open Court

JAN 09 2006

Thomas R. Philcox
 CLERK LAKE SUPERIOR COURT

**ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
 JUDGMENT, DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
 GRANTING DEFENDANT'S MOTION FOR LEAVE TO FILE A THIRD PARTY
 COMPLAINT, DENYING PLAINTIFF'S MOTION TO STRIKE, AND DENYING
 DEFENDANT'S MOTION TO STRIKE**

This matter is before the Court for ruling on the Plaintiff's Motion for Partial Summary Judgment as to Count I of the Complaint, Defendant's Cross-Motion for Summary Judgment, Defendant's Motion for Leave to file a Third Party Complaint, Plaintiff's Motion to Strike, and Defendant's Motion to Strike. The parties have fully briefed all relevant issues. A hearing of the Motions was held March 8, 2005. Plaintiff, Jeffrey Scalf (Scalf), appeared by counsel, Jonathan G. Polak and Amy L. Wright. Defendant, Lake County Convention and Visitors Bureau, Inc. (LCCVB), appeared by counsel, Richard P. Long, Daniel C. Kuzman, and Connie J. Postelli. After hearing argument by counsel, the Court took the matter under advisement. The Court is appreciative of the excellent written and oral advocacy of counsel in this case.

Plaintiff is the great nephew of John Herbert Dillinger (Dillinger). He has acquired a seventy-five percent interest in Dillinger's personality through assignment from his grandmother and two great aunts. LCCVB is a non-profit entity, created by I.C. §6-9-2-3 et seq., whose purpose is to market Lake County to businesses and visitors. On September 21, 1997, LCCVB entered into an

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093
January 9, 2006
Page 2

agreement to purchase the Dillinger Museum Collection for \$417,500.00 from Joe Pinkston (Pinkston). Pinkston, who had been using Dillinger's personality without consent, owned no interest in Dillinger's personality. As a result, no personality interest was transferred to LCCVB via the sale of the Dillinger Museum Collection. Finally, since its purchase of the Dillinger Museum Collection, LCCVB has neither obtained consent for its use of the Dillinger personality from Scalf, nor anyone acting on Scalf's behalf.

The case was originally heard on June 12, 2002, by Judge Danikolas. At the conclusion of the hearing, the Court took the matter under advisement. On November 7, 2002, Judge Danikolas granted the Plaintiff's Motion for Summary Judgment. LCCVB filed a Motion to Correct Errors on November 18, 2002. On December 22, 2003, the Court vacated its judgment for Plaintiff and recused itself from the case. This Court accepted appointment as Special Judge in this cause of action on June 22, 2004.

Summary judgment is appropriate when no genuine issue of material fact exists, and the moving party is entitled to judgment as a matter of law. Ind. Trial Rule 56(C); *SMDFUND, Inc. v. Fort-Wayne Allen County Airport Auth.*, 831 N.E.2d 725, 728 (Ind. 2005), citing *Gunkel v. Renovations, Inc.*, 822 N.E.2d 150, 151 (Ind. 2005). In deciding summary judgment, all evidence must be construed in favor of the non-moving party. *Monroe Guar. Ins. Co. v. Magwerks Corp.*, 829 N.E.2d 968, 973 (Ind. 2005), citing *Tibbs v. Huber, Hunt & Nichols, Inc.*, 668 N.E.2d 248, 249 (Ind. 1996). To be successful in their bid for summary judgment, the moving party must demonstrate that there is no genuine issue of material fact. *Butler v. City of Peru*, 733 N.E.2d 912, 915 (Ind. 2000), citing *Mullin v. Municipal City of South Bend*, 639 N.E.2d 278, 281 (Ind. 1994); see also Ind. Trial Rule 56(E); *Shell Oil Co. V. Lovold Co.*, 705 N.E.2d 981, 984 (Ind. 1998). Once the moving party establishes this, the burden shifts to the non-movant who must exhibit specific facts indicating the "existence of a genuine issue for trial on each challenged element of the cause of action." *Butler*, 733 N.E.2d at 915 citing *Mullin v. Municipal City of South Bend*, 639 N.E.2d 278, 281 (Ind. 1994); see also Ind. Trial Rule 56(E); *Shell Oil Co. V. Lovold Co.*, 705 N.E.2d 981, 984 (Ind. 1998).

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093

January 9, 2006

Page 3

Indiana's Right of Publicity Statute provides that "after the death of an intestate personality, the rights and remedies of this chapter may be exercised and enforced by a person who possesses [a fifty percent minimum interest] of the personality's recognized rights." I.C. § 32-36-1-18 (2005). For purposes of the statute, the term 'person' is defined as "a natural person, . . . a corporation, or an unincorporated association." I.C. § 32-36-1-5 (2005). In 1997, Scalf acquired, through assignment, a fifty percent interest in Dillinger's publicity rights. Furthermore, in 2001, he obtained an additional twenty-five percent interest. Thus, under the statute, Scalf, as a seventy-five percent holder in interest, may bring suit to enforce the rights of publicity provided by the statute.

In Count I of the Complaint and Scalf's subsequent Partial Motion for Summary Judgment, Scalf contends that LCCVB violated Indiana's Right of Publicity Statute by failing to obtain written consent to use Dillinger's personality for a commercial purpose. Indiana's Right of Publicity Statute recognizes a 'right of publicity' as a property interest in a personality's "(1) name . . . (4) photograph; (5) image; (6) likeness; [or] (7) distinctive appearance." I.C. § 32-36-1-7. For purposes of the statute, personality indicates a "living or deceased natural person whose: (1) name . . . (4) photograph; (5) image; (6) likeness; [or] (7) distinctive appearance . . . has commercial value, whether or not the person uses or authorizes the use of the person's rights of publicity for a commercial purpose during the person's lifetime." I.C. § 32-36-1-6 (2005). LCCVB argues that they have not used Dillinger's personality for a commercial purpose. However, 'commercial purpose' is construed by the statute to mean:

the use of an aspect of a personality's right of publicity . . . : (1) On or in connection with a product, merchandise, goods, services, or commercial activities. (2) For advertising or soliciting purchases of products, merchandise, goods, services, or for promoting commercial activities. (3) For purposes of fundraising.

I.C. § 32-36-1-2 (2005). I.C. § 6-9-2-5.5 provides that the purpose of the LCCVB is to "promote and encourage conventions, trade shows, special events, recreation, and visitors [thereby] encouraging investment, job creation and retention, and economic growth and diversity." I.C. § 6-9-2-5.5 Sec. 5.5 (2005). LCCVB uses Dillinger's name and likeness to promote Lake County in an

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093

January 9, 2006

Page 4

effort to attract both visitors and businesses. This use constitutes the advertising and solicitation of products, goods, services, and the promotion of commercial activities. Additionally, LCCVB runs the Dillinger museum, a fundraising operation, to which they charge an admission fee. Accordingly, LCCVB's use of Dillinger's personality does, under the Right of Publicity Statute, represent a commercial purpose.

Furthermore, section seventeen of Indiana's Right of Publicity Statute provides that written consent may be exercised and enforced by either a personality or a person who obtained rights to the personality under section sixteen or eighteen. I.C. § 32-36-1-17 (2005). Section sixteen stipulates that,

[t]he rights recognized under this chapter are property rights, freely transferable and descendible, in whole or in part, by the following: (1) Contract... (3) Gift. (4) Trust. (5) Testamentary document. (6) Operation of the laws of intestate succession applicable to the state administering the estate and property of an intestate deceased personality, regardless of whether the state recognizes the property rights set forth under this chapter.

I.C. § 32-36-1-16 (2005). Likewise, section eighteen states,

[a] person may not use an aspect of a personality's right of publicity for a commercial purpose during the personality's lifetime or for one hundred (100) years after the date of the personality's death without having obtained previous written consent from a person specified in section 17 [I.C. 32-36-1-17] of this chapter.

I.C. § 32-36-1-8(a) (2005). Scalf has obtained a seventy-five percent interest in Dillinger's personality. Further, LCCVB admits that they have not received written consent to use Dillinger's personality from either Scalf, or someone representing Scalf. Thus, LCCVB is deemed to be in violation of Indiana's Right of Publicity Statute.

In determining whether the Indiana Right of Publicity Statute should be read retroactively, Scalf asserts that this Court should construe the statute in accordance with the plain language of the statute. The essential goal in interpreting a statute is to ascertain and effectuate the legislative intent. *Wiggins v. State*, 737 N.E.2d 437 (Ind. Ct. App. 2000), citing *Woods v. State*, 703 N.E.2d 1115, 1117 (Ind. Ct. App. 1998); *Freeman v. State*, 658 N.E.2d 68, 70 (Ind. 1995). To determine

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093

January 9, 2006

Page 5

legislative intent, courts must consider the objectives and purposes of the statute as well as the policy underlying the statute's enactment. *Woods v. State*, 703 N.E.2d 1115, 1117 (Ind. Ct. App. 1998), citing *Miller v. State*, 641 N.E.2d 64, 68 (Ind. Ct. App. 1994), *trans. denied*; see also *Wiggins v. State*, 737 N.E.2d 437 (Ind. Ct. App. 2000); *D.R. v. State*, 729 N.E.2d 597 (Ind. Ct. App. 2000). When "a statute has not previously been construed, its interpretation is controlled by the express language of the statute and by application of the general rules of statutory constructions." I.C. § 1-1-4-1 (2005); *Woods*, 703 N.E.2d at 1117, citing *Blackmon v. Duckworth*, 675 N.E.2d 349, 351 (Ind. Ct. App. 1996). "Preeminent among the rules of statutory construction is that we look to the plain language of the statute and attribute the common, ordinary meaning to terms found in everyday speech." *Woods*, 737 N.E.2d at 1117 (Ind. Ct. App. 1998), citing *Nield v. State*, 677 N.E.2d 79, 82 (Ind. Ct. App. 1997). Moreover, "[i]n giving effect to the legislative intention, the objects and purposes of the statute in question must be considered, as well as the effect and consequences of such interpretation." *Figg v. Bryan Rental Inc.*, 646 N.E.2d 69, 72-73 (Ind. Ct. App. 1995) citing *Holmes v. Review Bd. of Ind. Employment Sec. Div.*, 451 N.E.2d 83, 86 (Ind. Ct. App. 1983).

The statute clearly indicates that rights of publicity are considered property rights in Indiana. As such, those rights are descendible and transferable. See I.C. § 32-36-1-16 (2005). Additionally, the Indiana Right of Publicity Statute clearly provides that such rights apply to natural persons both living and deceased. See I.C. § 32-36-1-6 (2005); see also I.C. § 32-36-1-18 (2005) (recognizing the rights and remedies available post-mortem). Moreover, the statute stipulates that such rights endure, following the personality's death, for a period of one hundred years. See I.C. § 32-36-1-8(a) (2005). Thus, to read Indiana's Right of Publicity Statute prospectively, as requested by LCCVB, would eviscerate both the legislative intent and the underlying purpose for the statute in contravention to the general rules of statutory construction. The Indiana Right of Publicity Statute should therefore, be read retroactively, in accordance with the statute.

The Indiana Right of Publicity Statute allows for monetary and injunctive relief. Under I.C. § 32-36-1-10,

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093

January 9, 2006

Page 6

A person who violates section 8 [I.C. 32-36-1-8] of this chapter may be liable for any of the following: (1) Damages in the amount of: (A) one thousand dollars (\$1,000); or (B) actual damages, including profits derived from the unauthorized use; whichever is greater. (2) Treble or punitive damages, as the injured party may elect, if the violation under section 8 of this chapter is knowing, willful, or intentional.

I.C. § 32-36-1-10 (2005). In computing actual damages, the plaintiff is compelled to "prove the gross revenue attributable to the unauthorized use; and (2) the defendant is required to prove properly deductible expenses." I.C. § 32-36-1-11 (2005). Finally, in addition to damages, the court: "(1) shall award to the prevailing party reasonable attorney's fees, costs, and expenses relating to an action under this chapter; and (2) may order temporary or permanent injunctive relief, except as provided by Section 13 [I.C. 32-36-1-13] of this chapter." I.C. § 32-36-1-12 (2005).

LCCVB, in its Cross Motion for Summary Judgment, argues that Scalf is foreclosed from bringing a right of publicity tort action under I.C. Code § 34-13-3-8 as LCCVB is a political subdivision. I.C. § 34-13-3-8 states, "a claim against a political subdivision is barred unless notice is filed with: (1) the governing body of that political subdivision; and (2) the Indiana political subdivision risk management commission . . . within one hundred eighty (180) days after the loss occurs." I.C. § 34-13-3-8 (2005). However, for purposes of this chapter, "the following shall be treated as political subdivisions: (1) A community action agency . . . (2) An individual or corporation rendering public transportation services . . . [and] (3) A volunteer fire department . . ." I.C. § 34-13-3-22 (2005). As LCCVB is neither an individual or corporation rendering public transportation services, nor a volunteer fire department, the Indiana Tort Claims Notice Statute will only apply if LCCVB qualifies as a community action agency. A community action agency is defined by I.C. § 12-14-23-2 as:

an entity that meets the following conditions:

(1) Is any of the following:

(A) A private nonprofit organization . . . located within a community.

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093
January 9, 2006
Page 7

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- (B) A private nonprofit organization that is located in a county... within reasonable proximity of a community.
 - (C) A political subdivision, if there is no qualified nonprofit organization identified that meets the criteria set forth in clause A or B.
 - (2) Has the authority under state or federal law to receive money to support the community action programs described in sections 3 and 4 [I.C. 12-14-23-3 and I.C. 12-14-23-4] of this chapter.
 - (3) Is designated as a community action agency by the governor or by federal law.

I.C. § 12-14-23-2. In *LCEOC, Inc. v. Greer*, the Court held, to be deemed a community action program an entity must meet all of the conditions listed in I.C. § 12-14-23-2. *LCEOC, Inc. v. Greer*, 735 N.E.2d 206, 2078-209 (Ind. 2000). Even if LCCVB is held to meet sections one and three of these statutory conditions, it fails to meet section two. I.C. § 12-14-23-3 provides that a "community actions program" means a community based and operated program that meets the following conditions: (1) Includes or is designed to include a sufficient number of projects or components to provide a range of services and activities that have a measurable and potentially major impact on causes of poverty.... I.C. § 12-14-23-3 (2005). Likewise, Section 12-14-23-4 states, "(a) The components of a community action program shall be designed to assist participants, including the poor and near poor, persons with disabilities, farmworkers, the elderly, and youth, to do the following:...." I.C. § 12-14-23-4 (2005). Since LCCVB does not provide services which reduce poverty levels, it does not qualify as a community action program, and therefore is not a political subdivision for purposes of the Indiana Tort Claims Notice Statute.

Furthermore, LCCVB's argument that it has been designated by I.C. § 6-9-2-3 as a political subdivision is erroneous. Section 6-9-2-3 states "(a) For purposes of this section, the size of a political subdivision is based on the population determined in the last federal decennial census..." I.C. § 6-9-2-3 (2005) Thus, the phrase "political subdivision" is (1) limited to this chapter, and (2) determined by the size of a given population as noted in the last federal census. Moreover, I.C. § 6-9-2-4 states that, "(a) The bureau may: ... (2) sue and be sued." I.C. § 6-9-2-4 (2005). Since

Jeffrey Scalf v. Lake County Convention and Visitors Bureau, Inc.
Cause No. 45D10-0406-PL-00093

January 9, 2006

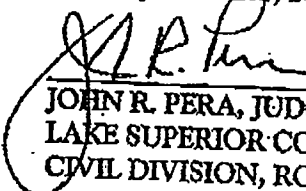
Page 8

LCCVB does not meet the requirements of a political subdivision under I.C. § 34-13-3-22, and its argument that it has been designated as a political subdivision by statute fails, it is not a political subdivision for purposes of the Tort Claims Notice Act, and Scalf is not foreclosed from bringing suit. LCCVB's remaining arguments address Counts II - IV of the complaint which the Court need not address at this time.

In sum, the Court may not grant summary judgment if a genuine issue of fact exists. Scalf as a seventy-five percent holder of interest, may bring a cause of action under the Indiana Right of Publicity Statute when an entity uses such personality for a commercial purpose without prior written consent. LCCVB admits that it has never received written consent from Scalf, or his representatives. Additionally, LCCVB has used Dillinger's personality for a commercial purpose, as defined by the statute. Further, LCCVB's claim that it is a political subdivision for purposes of the Indiana Tort Claims Notice Act fails as it does not meet the statutory conditions for such an entity under that chapter. Finally, the Right of Publicity Statute should be read retroactively as to do otherwise would negate the very reason and purpose of the statute's existence.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Partial Motion for Summary Judgment is GRANTED. Defendant's Cross-Motion for Summary Judgment is DENIED. Defendant's Motion to File Third-Party Complaint as to the remaining counts is GRANTED. Plaintiff's and Defendant's Motions to Strike are DENIED.

SO ORDERED THIS 9TH DAY OF JANUARY, 2006.


JOHN R. PERA, JUDGE
LAKE SUPERIOR COURT
CIVIL DIVISION, ROOM NO. SIX

Distribution by Court:

Jonathan G. Polak

Amey L. Wright

Richard P. Long

Daniel C. Kuzman

Connie J. Postelli

Dated: 1/10/06 (via facsimile)

CCS Entry: RT

Distributed: RT

Tab C

RECORDING REQUEST Y

BK D 506 PG 115

CITY NATIONAL BANK OF BEVERLY HILLS

AND WHEN RECORDED MAIL TO

Name Marilyn Monroe
 Street c/o Gang, Tyre, Rudin & Brown
 Address 6400 Sunset Boulevard
 City & State Los Angeles 28, California

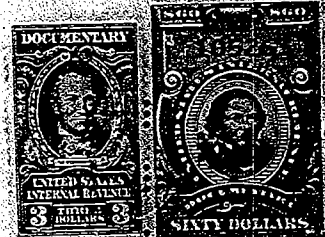
RECORDED IN OFFICIAL RECORDS
 OF LOS ANGELES COUNTY, CALIF.
 FOR TITLE INSURANCE & TRUST CO.

FEB 8 1962 AT 8 A.M.
 RAY E. LEE, County Recorder



SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFFIX I.R.S. \$ 63.25 IN THIS SPACE



Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WILLIAM R. PAGEN and DORIS AILEEN PAGEN, husband and wife

hereby GRANT(S) to

MARILYN MONROE, an unmarried woman

the following described real property in the
 county of Los Angeles, state of California:

Lot 20 of Tract 5462, Sheets 1 and 2, as per map recorded in
 Book 58 Pages 71 and 72 of Maps, in the office of the county
 recorder of said county.

Dated: January 22, 1962

STATE OF CALIFORNIA
 COUNTY OF Los Angeles } SS.

On January 22, 1962 before me, the under-
 signed a Notary Public in and for said County and State, personally
 appeared William R. Pagen

and

Doris Aileen Pagen

known to me
 to be the person(s) whose names are subscribed to the within
 instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.
 (Seal) ORRIS E. WEDGES

Signature

My Commission Expires July 1, 1966
 Notary Public in and for said County and State
 If executed by a Corporation the Corporation Form of
 Acknowledgment must be used.

William R. Pagen
 William R. Pagen


Doris Aileen Pagen
 Doris Aileen Pagen

Title Order No. 7765297-119117

Escrow No. 3694

Tab D

12305 5th Helena		P.O. ZONE 49	
RESIDENCE (Print)		P.O. ZONE	
NAME (Print) Marilyn Monroe		Nº 13610	
TELEPHONE		DATE 7-9-1962	
BREED Maltese		NAME Mafra	
DESCRIPTION 1387		Date 5/26/62	
A C-No.		Sex M	
Receipt of \$3.00 is hereby acknowledged as payment of license tax for the privilege of keeping one DOG (described above) in the City of Los Angeles between July 1, 1962, and June 30, 1963. Sec. 53.15, L. A. Mun. Code.			
Form 41-E-95M-1-62 (7-15 to 18)		Deputy L. Wilke	
Keep This Receipt — Keep Tag on Dog — Please Read Other Side			

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
DOG LICENSE
Due July 1, 1962 — Expires June 30, 1963
PAID \$3.00 FEE
IMPORTANT
SAVE THIS RECEIPT
KEEP TAG ON DOG AT ALL TIMES
OBEY THE LEASH LAW
Deputy L. Wilke

Charles Navarro
CONTROLLER

KEEP YOUR DOG'S ANTI-RABIES VACCINATION CERTIFICATE HANDY AT ALL TIMES

Any member of the Department is authorized to enter any premises on which a dog is kept to demand exhibition of license for such dog, and to inspect premises for law violations.

Any person owning or keeping a dog over 4 months old shall secure a dog license annually for the privilege of keeping such dog. License is due July 1st each year and expires the following June 30th. Full fee is required for any part of a year.

License is not transferable to another person nor to another dog.

A stray or unclaimed dog may be sold seven days after impounding.

SEC. 53.06.2, L. A. MUN. CODE, RESTRAINT OF DOGS. (LEASH LAW).

Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off such premises if it be under the control of a competent person and restrained by a substantial chain or leash not exceeding 6 feet in length.

IF DOG IS LOST CHECK NEAREST ANIMAL SHELTER

VACCINATION CERTIFICATE HANDY AT ALL TIMES

Authorized to enter any premises on which a dog is
with dog, and to inspect premises for law violations.
4 months old shall secure a dog license annu-
ally is due July 1st each year and expires the
part of a year.
to another dog.
after impounding.

SS. (LEASH LAW).

or control of any dog shall keep
over, that such dog may be off
and restrained by a substantial
HELTER

ER MONROE, Mary L. Date 5-26-62
(Please print) Last Name First Name
Address 12375-5th Avenue Dr, WLA.

CERTIFICATE OF RABIES VACCINATION

THIS IS TO CERTIFY that I have vaccinated a dog of this description
with Anti-Rabies Vaccine— ☐ Phenolized ☒ Chick Embryo Origin
(one-yr. vaccine) (two-yr. vaccine)

M. 2 yrs. Maltese Named Kafira
Sex Age Breed
Weight 6 Color or Markings White Vaccination Tag No. 1387
286 Dr. Roger A. McPherson
Ser. No. Mfr. Veterinarian

RETAIN THIS CERTIFICATE — NO DUPLICATES ISSUED

Tab E

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATIONForm approved.
Budget Bureau No. 72-R129.14

APPLICATION FOR LUMP-SUM DEATH PAYMENT *

(This application must be filed within 2 years after the date of death of the wage earner or self-employed person.)

All items on this form requiring an answer must be answered or marked "Unknown."

NOTICE.—Whoever makes or causes to be made any false statement or representation of a material fact for use in determining the right to or the amount of Federal old-age, survivors, or disability insurance benefits or in determining an individual's disability is subject, under the Social Security Act, to not more than a \$1,000 fine or 1 year of imprisonment, or both.

(Do not write in this space)

Marilyn Monroe
Calif
2/19/64

Marilyn Monroe
(Name of deceased wage earner or self-employed person)

563-32-0764
(Social security account number)

I, *Doreen C. Nelson*
(Full name of applicant)

hereby apply for the lump-sum death payment and/or for any Federal old-age and survivors insurance benefits payable to me under Title II of the Social Security Act, as amended.

PLEASE DO NOT WRITE IN MARGIN

1.	When was the deceased born? <i>5/29/25</i> <i>6/1/26</i> (Month, day, and year)																													
2.	When and where did death occur? <i>8/5/62</i> <i>Los Angeles, Calif</i> (Month, day, and year) (City and State)																													
3.	In what state or foreign country did the deceased have his fixed, permanent home when he died? <i>Calif.</i>																													
4.	<p>(a) Did the deceased ever serve in the military or naval service of the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," answer (b).</p> <p>(b) Was the deceased in active service after September 7, 1939, and before January 1, 1957? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," answer (c) and (d).</p> <p>(c) Give branch and dates of service during the period specified in (b) above _____</p> <p>(d) Has anyone (including the deceased) received, or does anyone expect to receive, from any Federal agency other than the Social Security Administration, a benefit based on the employment, military service, disability, or death of the deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," name such person(s) _____ List all such agencies _____</p>																													
5.	Did the deceased work in the railroad industry at any time on or after January 1, 1937? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																													
6.	Give the names and addresses of the deceased's employers during the 12 months before his death; if the deceased worked in agricultural employment, give this information for the year of death and the year before. (If self-employed, write "Self-employed.")																													
	<table border="1"> <thead> <tr> <th rowspan="2">Name and Address of Employer</th> <th colspan="2">Work Began</th> <th colspan="2">Work Ended</th> </tr> <tr> <th>Month</th> <th>Year</th> <th>Month</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td><i>20th Century Fox</i></td> <td></td> <td></td> <td></td> <td><i>1962</i></td> </tr> <tr> <td><i>Los Angeles, Calif</i></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name and Address of Employer	Work Began		Work Ended		Month	Year	Month	Year	<i>20th Century Fox</i>				<i>1962</i>	<i>Los Angeles, Calif</i>														
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	Month	Year	Month	Year																										
<i>20th Century Fox</i>				<i>1962</i>																										
<i>Los Angeles, Calif</i>																														
7.	<p>If the deceased was self-employed last year or the year before, give:</p> <p>Year _____ Kind of Trade or Business _____ Amount of Net Earnings _____</p> <p><input type="checkbox"/> Less than \$400 <input type="checkbox"/> \$400 or more</p> <p><input type="checkbox"/> Less than \$400 <input type="checkbox"/> \$400 or more</p>																													

*This may also be considered an application for insurance benefits payable under section 5 of the Railroad Retirement Act.

8. About how much did the deceased earn from employment and self-employment during the year in which he died? \$ 014800

9. Was the deceased ever married? ☒ Yes ☐ No
 If "Yes," give the following information about each marriage; include the marriage, if any, in effect at the time of the death of the deceased.

Date and Place of Marriage(s)		To Whom Married	How Marriage Ended	Marriage Ended	
Mo., Day, Yr.	City and State			Date	Place
✓ 6/19/42	Van Nuys, Calif.	James Edward Dougherty	Divorced	9/13/46	Clark County Nevada
✓ 1/14/54	San Francisco, Calif.	Joseph Paul Di Maggio	Divorced	10/31/55	Los Angeles County California
✓ 6/ /56	White Plains, New York	Arthur Miller	Divorced	1/ /67	Mexico

IF THE DECEASED LEFT A WIDOW OR WIDOWER SURVIVING, CONTINUE WITH QUESTION 10. IF NEITHER SURVIVED, CONTINUE WITH QUESTION 15.

10. (a) Name and address of widow or widower

(b) Were the deceased and the surviving spouse living together at the same address when the deceased died? ☐ Yes ☐ No

(c) If the deceased or surviving spouse was away from home (whether or not temporarily) when the deceased died, give the following: which was away; date last home; reason absence began; reason they were apart at time of death; if hospitalized, name of hospital and nature of confinement.

PLEASE DO NOT WRITE IN MARGIN

11. IF YOU ARE THE WIDOWER, were you receiving at least one-half of your support from your wife at the time of her death? ☐ Yes ☐ No

IF YOU ARE THE WIDOW OR WIDOWER, ANSWER QUESTIONS 12, 13, AND 14.

12. State your date of birth (Month, day, and year)

13. Indicate by (✓) whether your marriage to the deceased was performed by:
 Clergyman or authorized public official ☐ or ☐ Other (Explain)

14. Were you married before your marriage to the deceased? ☐ Yes ☐ No
 If "Yes," give the following information about each of your previous marriages.

Previous Marriage(s)		To Whom Married	How Marriage Ended	Marriage Ended	
Mo., Day, Yr.	City and State			Date	Place

IF YOU ARE NOT THE WIDOW OR WIDOWER, OR IF YOU ARE THE WIDOW OR WIDOWER BUT YOU AND THE DECEASED WERE NOT LIVING IN THE SAME HOUSEHOLD AT THE TIME OF DEATH, ANSWER THE FOLLOWING QUESTIONS.

15. What is your relationship to the deceased?

Gladys Eley - Mother
Conservator of the estate

16. (a) What was the total amount of the burial expenses incurred by or through a funeral home (hereafter referred to as "burial expenses")? \$ *4,352.00*

(b) Did you assume responsibility for payment of all or any part of such expenses?

☒ Yes ☒ No

(c) Did anyone else assume responsibility for payment of such expenses?

☐ Yes ☒ No

If "Yes," give names and addresses.

(d) What amount of burial expenses shown in 16(a) did you pay?

None
Amount: \$4,352.00
 (If none, write "None")

(e) Was any part of the burial expenses in 16(a) paid by others?

☒ Yes ☒ No

If "Yes," give the following information

Name and Address of Such Other Person

His Relationship to Deceased

Amount Paid

Estate of Marilyn Monroe

\$ *4352.00*

PLEASE DO NOT WRITE IN MARGIN

17. Have you received, or will you receive, any amount in cash or property toward the burial expenses shown in 16(a) paid by you? (Do not include proceeds from an insurance policy or benefits from a fraternal association, union, or employer).

☐ Yes ☒ No

If "Yes," give the following information

Source of Payment

Date Payment Received or Expected

Amount

\$ _____

\$ _____

\$ _____

18. Has application for reimbursement for, or payment of, burial expenses been, or will it be filed with the Veterans Administration or any other Federal Agency?

☐ Yes ☒ No

If "Yes," give the following information

(Name of agency)

\$ _____
 (Amount claimed)

(Name of person filing with other agency)

19. IF YOU ARE NOT RELATED TO THE DECEASED BY BLOOD OR MARRIAGE, why did you pay or assume responsibility for the burial expenses?

Conservator

IF ALL OR ANY OF THE BURIAL EXPENSES SHOWN IN 16(a) ARE UNPAID, the lump-sum payment (or that part of it equal to the unpaid expenses) can be made ONLY to the funeral home. To authorize such payment, the following must be completed.

20. I hereby authorize the Social Security Administration to make payment of the lump sum to the

(Name and address of funeral home)

such payment to be applied toward the unpaid \$ _____ expenses.
(Amount)

REMARKS: (This space may be used for explaining any answers to the questions. If you need more space, attach a separate sheet.)

NAME & ADDRESS OF FUNERAL HOME:


✓ Westwood Memorial Park and Mortuary, 1218 Glendon Avenue, West Los Angeles, California, 90024

COPY OF APPOINTMENT PAPERS

✓ Attached hereto.

PLEASE DO NOT WRITE IN MARGIN

Knowing that anyone making a false statement or representation of a material fact for use in determining the right to or the amount of Federal old-age, survivors, or disability insurance benefits or in determining an individual's disability, commits a crime punishable under Federal law, I certify that the above statements are true.

If this application has been signed by mark (X), two witnesses who know the applicant must sign below, giving their full addresses.		Signature of applicant (Write in ink—First, Middle Initial, Last Name)	
1. Name		SIGN HERE 	
Address (Street number, City, State and ZIP Code)		Mailing Address (P.O. Box, No. and street or route)	
		✓ 9110 Sunset Boulevard, Suite 120	
2. Name		City, State and ZIP Code	
		✓ Los Angeles, California, 90069	
Address (Street number, City, State and ZIP Code)		Date (Mo., Day, and Year)	Telephone No. (If none available, write "None.")
		✓ 2/19/64	✓ 276-1129
		Enter name of county (if any) in which you now live	
		✓ Los Angeles	

Tab F

STATE OF CONNECTICUT
MOTOR VEHICLE OPERATOR'S LICENSE

VOID UNLESS VALIDATED WITH
SEAL OF CONNECTICUT GOVT
OF HARTFORD

DATE
JUL 11 62

WRITTEN SIGNATURE OF OPERATOR MUST APPEAR IN INF
ON LOWER PORTION AS REQUIRED BY STATE STATUTE

COMMISSIONER

TYPE
9L300

NAME
Marilyn Monroe

MAIL ADDRESS-CITY AND NUMBER
12305 - 5th Helena Dr.

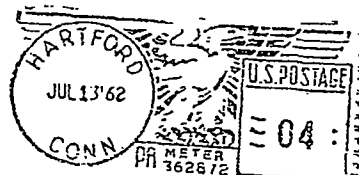
CITY OR TOWN STATE
Los Angeles 49, Calif.

REGISTRATION ADDRESS (IF DIFFERENT)
\$ 6 00 181034533 5 05

FEE PAID		OPERATOR NUMBER		HEIGHT	
06	30	06	01	5	05
MO.	DAY	MO.	DAY	FT.	IN.
EXPIRATION DATE		DATE OF BIRTH		TYPE OF LIC.	
				SEE REVERSE SIDE	

WRITTEN SIGNATURE OF OPERATOR

DEPT. OF MOTOR VEHICLES
165 CAPITOL AVENUE
HARTFORD 15, CONN.



Tab G

LIFE

A black and white photograph of a woman, Diane Sinclair, dancing. She is wearing a light-colored, sleeveless dress with a full skirt that is captured in motion, creating a blurred effect. She is smiling and looking towards the camera. The background is dark and indistinct.

DIANE SINCLAIR:
DANCES OUT MOVIES ON TV

20 CENTS

JANUARY 25, 1954



TIPPED-OFF MOB of reporters and fans waited for the couple at city hall. Later one newspaperman peered over judge's transom to give crowd kiss-by-kiss report of progress inside.

MERGER OF TWO WORLDS

Marilyn and Joe find a secret wedding is not for them

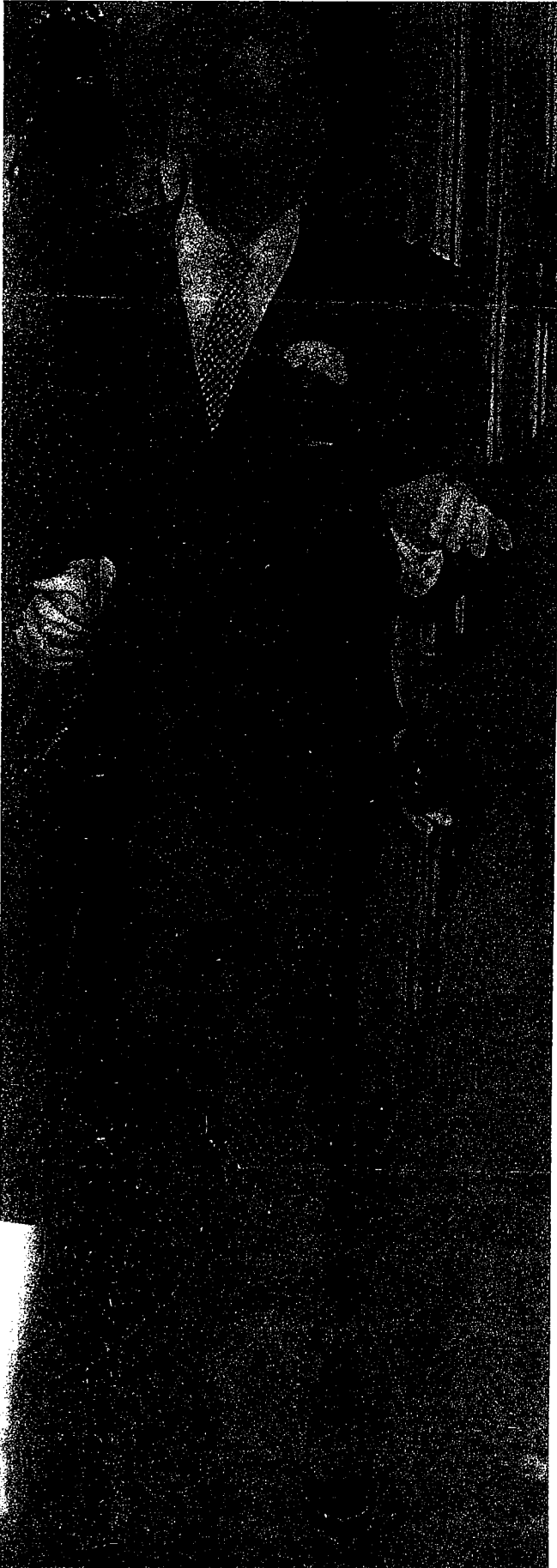
The bedlam (*above*) and the national recognition of a hitherto unknown judge (*below*) was caused by the marriage of a macaroni company vice president and an orphan girl named Norma Jeane Mortenson. This does not sound like an event of national interest, but a glance at the other pictures shows why two huge fan clubs found their differing interests focused, for the moment, on the same event. The bridegroom was Joe DiMaggio, 39, the perfect baseball player of only yesterday; the bride was Marilyn Monroe, the inheritor today of a sexy movie tradition founded by Jean Harlow. They had hoped to get married in secret but ever since Marilyn failed to show up in Hollywood for her part in a movie called *Pink Tights*, rumors spread that the couple had eloped everywhere from Reno to Istanbul. But finally last week, veiling their plans with the secrecy of an atomic test, they slipped into San Francisco's city hall unnoticed—they thought. After having been besieged, battered and befriended by scores of riled reporters, Judge Peery (*below*) made a remarkable comment: "Sometimes I'm glad I'm not Joe."



EYEWITNESS ACCOUNT of the vow-taking is given over national hookup by Judge Charles Peery (*left*), who was first shoved aside, then made much of by excited reporters.

EAGER EXIT from city hall is made by the newly married DiMaggios. Ruffled by unexpected crowd, Joe yelled out, "I've had enough of this mob. Let's call the reception off." →



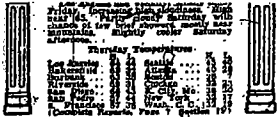


MOONING COUPLE wait in the judge's office for misplaced license. Edgy from the delay, Joe pleaded, "I don't want to rush you but we've got to get on with the ceremony."



VANISHING BRIDE jumps into Joe's car for a fast honeymoon getaway. Only by intense sleuthing reporters later learned they stopped for the night in a Paso Robles motel.

Tab H



Los Angeles Examiner

Examiner Building, 1111 S. Broadway, Zone 54

Examiner Telephone Richmond 1212

 Editor
 Paul
 Pich
 PAC
 Wil
 PAG

VOL. LI—NO. 35

LOS ANGELES, FRIDAY, JANUARY 15, 1954

CCCCC

Four Sections—Six

WIFE KILLED IN MARKET AS 75 LOOK ON

Estranged Mate Walks Away;
Takes Own Life at Home

(Photos on Page 5)

Before any of the 75 shoppers in a Studio City supermarket could stop him, a stony-faced defense worker shot and killed his estranged wife last night. He later took his own life.

The victim of what a witness described as a "cold-blooded killing" was Mrs. Jean Weaver, 35, an attractive brunette of 4709 1/2 Fulton avenue, Sherman Oaks.

About two hours later, police found her husband, Oran Weaver, 37, a toolmaker in a Burbank defense plant, dead in his apartment at 11174 Aquia Vista street, North Hollywood.

Mrs. Weaver was a checker at the No. 1 stand at a market at 12333 Ventura boulevard, at the corner of Coldwater Canyon.

SEEN AT MARKET

The checker at the No. 2 stand, Lois Grant, of 3808 West Chandler boulevard, Burbank, a close friend of the slain woman, said she noticed Mrs. Weaver's husband, Oran, 39, standing at the door of the market shortly before 8 p. m.

"He had a crazy look in his eyes," Miss Grant told Detective Henry Acosta. "He stood there staring at Jean."

Miss Grant said that Mrs. Weaver, during a moment in her duties, came to the stand and told her that she was afraid of him.

"She afraid of him,"

Miss Grant said. "She was looking at him and he was looking at her."

"I don't know what she was thinking,"

Miss Grant said. "I don't know what she was thinking."

"I don't know what she was thinking,"

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"I don't know what she was thinking,"

"I don't know what she was thinking,"

Marilyn Monroe, Di Maggio Married



DRAFT OF LAW TO VACCINATE DOGS ORDERED

Tumult Marks Council Hearing
on Anti-Rabies Program

(Full page of pictures on Page 3)

Drafting of an ordinance which would compel anti-rabies vaccination of every dog in Los Angeles was voted by the City Council following a stormy public hearing yesterday.

Council President John S. Gibson told 600 men and women jamming the chamber to support of oppose the measure the action is not final, however.

Gibson said the ordinance to be prepared by City Attorney Roger Arneberg will be subject to a full-scale Council debate and probably another public hearing before a final vote is taken.

"The battle launched by a public health and welfare committee report recommending that the ordinance be prepared was one of the most tumultuous in recent Council history."

ARRIVE EARLY

Interested citizens began arriving at the City Hall hearing at 7:30 a. m.

They took up positions in the hearing room and waited for the start of the hearing.

The hearing was held in the City Hall Council Chamber.

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INDIA TO PUT POWS BACK WITH CAPTORS

UN, Reds Warned of Jan. 20
Deadline by Gen. Thimayya

PAN MUN JOM, Jan. 15 (Friday).—UPI—India decided yesterday on its own to start turning back nearly 23,000 disputed prisoners to their captors January 20—three days ahead of the deadline—and said if either side freed them it would violate the armistice.

In Washington, the United States Army Chief of Staff, Gen. Matthew B. Ridgway, told a Senate committee "I would think that serious consequences could flow from such an action on the part of custodial forces of India—a premature release." Ridgway said "It is concerned by the Communist reaction to such a release."

In Korea, the United Nations command prepared to take back 22,500 Chinese and North Koreans from the anti-Red camp last week ahead with them to set them free as outlined in 1953 in January.

INDIA'S LEARNING

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President L Greater S Security

Dividend Tax Cut Voted by House Unit

Enactment Would
Aid Stockholders

WASHINGTON, Jan. 14.

(INS)—The House ways and means committee voted today to give stockholders partial relief from so-called double taxation on their dividends.

Rep. Herman E. Farmer (Detroit, Mich.) said the committee was told by its experts that the even rate of 10 percent would be paid to the Government on dividends.

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Los Angeles Examiner *
2—Sec. 1—Fri., Jan. 15, 1954

'BLIND DATE' BEGAN AFFAIR

Girl Out of Orphanage Taken
to Bosom by Joe's Family

(Continued from Page One)

only to her studio, but to her friends as well.

She and Joe will honeymoon for a week.

I predicted this marriage would take place this month because our No. 1 boxoffice girl and her Joe went house-hunting in Burlingame, the fashionable suburb of San Francisco. This I had straight and not only printed it in my column, but told it on the radio. Marilyn, who has been living with Joe's sister in San Francisco, had her telephone disconnected so that reporters could not reach her. Not that she minds publicity, but Joe, who had plenty of it when he was a baseball star with the Yankees, hates it. That was probably the reason for the secrecy on their marriage.

METEORIC RISE—

We were all alerted a week ago by reports that Marilyn and Joe were going to be married in Las Vegas. I have no doubt they did plan to be married there, but were frightened off when it was known they had reservations in the gambling city.

Marilyn's meteoric rise to fame is one of the stories that make Hollywood such a fabulous place. She started out as an aircraft worker on the assembly line, and it was Joseph Schenck who gave her her start at 20th Century-Fox.

Later she was let out at that studio and her first success came at M-G-M when she made "Asphalt Jungle." Curvaceous Marilyn first attracted attention with her swinging hips and her walk, which has been described as the most sexy one on the screen.

Later she was signed again by 20th, and Darryl Zanuck gave her such pictures as "Gentlemen Prefer Blondes" and "How to Succeed in Business Without Really Trying," and so started her on the career that made her the most widely publicized actress of our day.

BLIND DATE—

Marilyn met Joe on a blind date about two years ago and, much to the surprise of everyone, they fell in love. Since Marilyn had never seen a baseball game in her life, and Joe was not interested in motion pictures, no one expected them to be interested in each other. Joe took Marilyn right into the bosom of his family and to this girl brought up in an orphanage, it was the most perfect thing that could have happened. She had never had any family life and Joe, like all Italians, loves his family.

At the time of the death of her agent, Johnny Hyde, Marilyn came to see me and said she had been bitterly criticized for not marrying Johnny.

GRATEFUL—

"I'd never marry a man I didn't love," she told me. "And though I admired and respected Joe, I never loved him. He was the greatest, but I didn't love him."

There have always been jokes about Marilyn's highbrow inclinations, but I know she is sincerely interested in trying to improve herself. She has talked to me many times about education.

S. F. City Hall Crowd Chases DiMaggio



RADIANT smile from Marilyn Monroe is her response to embrace from Joe DiMaggio as they face newsmen in San Francisco before marriage.



EXIT—With Best Man Rono Barsochioni leading way, Marilyn Monroe, appearing slightly flustered, and Joe DiMaggio leave Judge after wedding. Said ju to kiss the bride, and

Joe Says Honeymoon to Be Brief; Both Must Get to Jobs Again

(Continued from Page One)

can guarantee that," he said, grinning.

But his curvaceous bride, generally referred to as the hottest property on the 20th Century-Fox lot was more positive on this point.

"I'd like to have six," she giggled.

As though trying to steal home in the ninth inning, DiMaggio, his bride-to-be and a small wedding party slipped into the City Hall by the basement entrance at exactly 1 p. m.

Joe, tall, broad-shouldered and graying, was wearing a trim blue suit, white shirt and blue polka dot tie. He is 38.

Marilyn, 26, was wearing her smile, false eyelashes and a smart brocade suit with a dark ermine collar. Her nails had natural polish.

WORD LEAKS OUT—

With them were Mr. and Mrs. Frank "Lefty" O'Doul, DiMaggio's first baseball manager, Mr. and Mrs. Tom DiMaggio and Mr. and Mrs. Rono Barsochioni.

The party had hardly entered the City Hall when word leaked out that something was cooking in the matrimonial department and reporters, city clerks and well wishers began gravitating to the third floor.

Thereafter, all was confusion as photographers, photographers and reporters vied for space with the wedding party in Judge Perry's chambers.

Marilyn held a large white orchid in her left hand as she explained to the press that she would be glad to love, honor "and obey" the great Yankee star.

"I met him two years ago on a blind date in Los Angeles," she said, "and a couple of days ago we started talking about this."

By "this" she was referring to the swirling commotion and impending marriage ceremony. DiMaggio puffed nervously on a cigar while reporters

popped questions at his fiancée.

"All right, fellows," he said at last, "I don't want to rush you, but we've got to get on with the ceremony."

The actress, who was raised in an orphanage and had 11 years of foster parents, seemed amused by reporters, asking whether she planned to give up moviemaking for homemaking.

"What difference does it make? I'm suspended," she quipped, giving a little kick to one of her pretty legs.

"This is no time to talk about suspensions," DiMaggio interrupted. "We got to get going. We got to get a lot of wives behind us."

Where were they going on their honeymoon?

DiMaggio smiled. "North, South, East and West," he said.

The judge's chambers were finally cleared and the priest removed itself to a tiny office just outside. Beyond the office was the hall where 200 persons pressed in for a glimpse of the happy couple.

CRY RESOUNDS—

A reporter standing on a stool was able to look over the tran-

son.

"They're not getting married. They're drinking martinis," he reported back to the anxious crowd.

Then a cry went up for the man with the marriage license. It seemed the bride and groom and the judge and wedding party were literally trapped in the judge's chambers without a marriage license.

A man identified as David Dunn, deputy county clerk, beat his way through the crowd with a handful of blank marriage licenses.

He went into the room where Marilyn and Joe were waiting but emerged again a minute later. It seemed he needed a typewriter, and so a great howl

Lad Seeks Best Cocker Spaniel

Ten-year-old Ronald Robbins yesterday appealed to the Examiner for help in finding his

Ton of Money Buys This Thief 1 to 10 in Prison

Selling a ton of money is a difficult job. Harold R. Berthlaine admitted yesterday to Superior Judge Harold W. Schweitzer.

Especially when it is shiny, mint new silver like the 2000 pounds of coins in question, stolen last August from a San Bernardino coin collector.

Berthlaine said he even "cooked" some of it in a frying pan, to make it look used and thus avoid suspicion.

But his travels about the state with a gallon of the stuff, trying to change it into currency, quickly put police on his track.

Judge Schweitzer sentenced him to a prison term of 1 to 10 years for grand theft.

The thief, however, who actually stole the coins are awaiting sentence.

Oil Mist Halted by Roofing Plants

Another industry—manufacture of roofing using asphalt—has been brought under complete smog control through installation of expensive devices to control oil mist emissions, it was announced yesterday.

Assistant Smog Control Chief Robert L. Chase said all six roofing firms in the county, operating 11 asphalt roofing "salvators" which once emitted seven barrels of oil mist into the air daily, have installed controls.

"Besides," he added, "I had the radio on."

COMMUTERS—

DiMaggio said their honeymoon will be relatively short because Marilyn will have to return to Hollywood and he has to go to New York for a television sports show.

"We'll probably be doing a lot of commuting," he said, "but San Francisco will be our headquarters."

Harrassed 20th Century Fox officials indicated that every concession will be made to the gal, who showed America "how to marry a millionaire" and that

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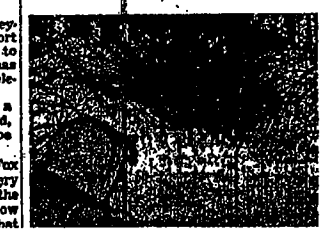
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Singer Says He'll Wed Doris

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At the time of the death of her agent, Johnny Hyde, Marilyn came to see me and said she had been bitterly criticized for not marrying Johnny.

GRATEFUL

"I'd never marry a man I didn't love," she told me. "And though I admired and respected Johnny, I didn't love him. I was just grateful to him. He was the great driver who got me out of the car when I was in the car."

There have always been rumors about Marilyn's high-strung nature, but I know her very well. I have seen her in the most intimate of moments.

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Monroe is her response to embrace 8 men in San Francisco before marriage.

she is reading, and wants to read.

I think that everyone who knows this girl, who has risen against such enormous odds, wishes her great happiness.

I believe they will make their home in San Francisco except for such times as she is working in Hollywood. San Francisco is Joe's home town, and his sisters and brothers live there. Marilyn has already given up her apartment in Beverly Hills.

SECOND MARRIAGES

It is the second marriage for both. Marilyn was married to Jim Dougherty in 1942 and divorced him in Las Vegas in 1945. She was just a youngster when they were married, and they were divorced when he came out of the service.

Joe was formerly married to Dorothy Arnold, by whom he has a son, and I might add that the little boy adores Marilyn, as do all males, regardless of age.

With them were Mr. and Mrs. Frank "Lefty" O'Donnell, DiMaggio's first baseball manager; Mr. and Mrs. Tom DiMaggio; and Mr. and Mrs. Reno Barochini.

The party had hardly entered the City Hall when word leaked out that something was cooking in the matrimonial department.

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Thereafter, all was confusion as autograph hunters, photographers and reporters vied for space with the wedding party in Judge Perry's chambers.

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The actress, who was raised in an orphanage and had 11 sets of foster parents, seemed amused by reporters asking whether she planned to give up movie-making for homemaking.

"What difference does it make? I'm amped," she quipped, giving a little kick to one of her pretty legs.

"This is no time to talk about suspensions," DiMaggio interrupted, "we got to get going. We got to put a lot of miles behind us."

Where were they going on their honeymoon?

DiMaggio smiled.

"North, South, East and West," he said.

The judge's chambers were finally cleared and the priest removed himself to a tiny office just outside. Beyond the office was the hall where 200 persons pressed in for a glimpse of the happy couple.

CRY RESOUNDS

A reporter standing on a bench was able to look over the transept.

"They're not getting married. They're drinking, married," he reported back to the anxious crowd.

Then a cry went up for the man with the marriage license. It seemed the bride and groom and the judge and wedding party were literally trapped in the judge's chambers without a marriage license.

A man, identified as David Dunn, deputy county clerk, beat his way through the crowd to a handful of champagne bottles.

Marilyn and Joe were the first to drink.

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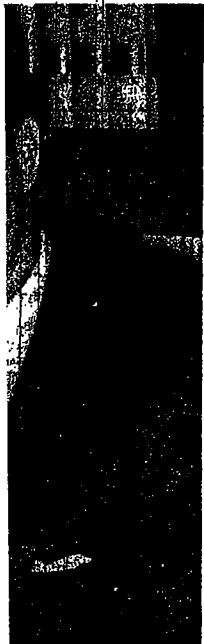
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She is a very

U Crowd Chases DiMaggios



DiMaggio as they face news-
Francisco before marriage.
—International News soundphoto.



EXIT—With Best Man Reno Bar-
soccini leading way, Marilyn Monroe,
appearing slightly flustered, and Joe
DiMaggio leave judge's chambers
after wedding. Said judge: "I forgot
to kiss the bride, and I'm sorry."
—Associated Press wirephoto.

honeymoon to Be Brief; Both Get to Jobs Again

popped questions at his fiancée.
"All right, fellows," he said
at last, "I don't want to rush
you, but we've got to get on
with the ceremony."
The actress, who was raised
in an orphanage and had 11 steps
of foster parents, seemed
amused by reporters, asking
whether she planned to give up
moviemaking for homemaking.
"What difference does it
make? I'm suspended," she
quipped, giving a little kick to
one of her pretty legs.
"This is no time to talk
about suspensions," DiMaggio
interrupted. "We got to put a
lot of people behind us."

Where were they going on
their honeymoon?
DiMaggio smiled.
"North, South, East and
West," he said.
The judge's chambers were
finally cleared and the press
removed itself to a tiny office
just outside. Beyond the office
was the hall where 200 persons
pressed in for a glimpse of the
happy couple.

ONE RESOUNDS

Reporter standing on a bench
was able to look over the trans-
om.
"They're not getting mar-
ried. They're drinking mar-
ried," he reported back to
the anxious crowd.
Then as they went up for the
man with the marriage license
it seemed the bride and groom
and the judge and wedding
party were literally trapped in
the judge's chambers without a
marriage license.

A man identified as David
DiMaggio County clerk, beat
his way through the crowd with
a "No admittance marriage
license."
He went into the room where
Marilyn and Joe were waiting
for the marriage license. A minute
later he came back, looking
flustered and out of breath.

Los Angeles, Calif.
Herald, 24th. Continue

Ton of Money Buys This Thief 1 to 10 in Prison

Selling a ton of money to a
difficult job, Harold F. Ber-
thiaume admitted yesterday to
Superior Judge Harold W.
Schweitzer.
Especially when it is a
mint-new silver, like the 2000
pounds of coins in question,
stolen last August from a San
Bernardino coin collector.
Berthiaume said he even
cooked some of the silver
plan, to make it look used and
thus avoid suspicion.
But his travels about the
state with a railroad of the
state, trying to change the
mint, quickly put him on
the police's radar screen.

Finally, becoming tired of
this sort of thing, he gave his
blonde bride a playful pat and
almost growled, "Let's go."
They raced down the City
Hall corridors pursued by press
and public and made the mis-
take of heading for the Real
Estate Department which leads
to exactly nowhere.

Oil Mist Halted by Roofing Plants

Another industry—manufac-
ture of roofing tiles asphalt—
has been brought under com-
plete smog control through in-
stallation of explosive devices
to control oil mist emissions, it
was announced yesterday.
Assistant Smog Control Chief
Robert L. Chana said all six
roofing firms in the county,
operating 11 asphalt roofing
factories, which once emit-
ted seven barrels of oil mist
into the air daily, have installed
controls.

Ford Plans New Arizona Test Ground

DETROIT—Ford Motor Co. plans a
large desert, winding around in
northwestern Arizona.
The company's new test ground
will cover 10,000 acres and will
be used for testing new cars and
trucks. The test ground will be
located in the desert area of
Arizona, near the border with
California. The test ground will
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trucks.

Lena Horne, Mary Unhurt in Crash

ROSA MONTE, Jan. 14—Lena
Horne and Mary Pickford were
unhurt in a crash today when their
plane, which was carrying them
and other celebrities, crashed
in a field near here. The plane
was carrying them and other
celebrities. The plane was carrying
them and other celebrities. The
plane was carrying them and other
celebrities.

Sad Gander Stays North

DETROIT—A sad gander, which
had been missing for several
days, was found today in a
field near here. The gander was
found by a farmer who was
looking for lost property. The
gander was found by a farmer who
was looking for lost property. The
gander was found by a farmer who
was looking for lost property. The
gander was found by a farmer who
was looking for lost property.

NASH, HUDSON MERGER OK'D

Auto, Kelvinator Divisions to
Keep Separate Identities

DETROIT, Jan. 14—The
consolidation of Nash-Kelvinator
Corporation and Hudson
Motor Car Company was ap-
proved today by directors of
the companies subject to stock-
holder approval. Stockholder
meetings will be held in March.
The resulting corporation will
be known as American Motors
Corporation with combined as-
sets of more than \$385,000,000.
Under the plan, Nash, Hudson
and Kelvinator will operate as
separate divisions of American
Motors. The dealer and sales
organizations will retain their
separate identities.

It was contemplated that A.
E. Barit, president of Hudson,
will serve as a director and
consultant and George I.W.
Mason, president and board
chairman of Nash-Kelvinator,
as president and board chair-
man of American Motors.
Under the agreement, three
shares of Hudson stock will be
converted into two shares of
American Motors stock and
each share of Nash-Kelvinator
stock will continue as one share
of American Motors.

CAPITAL

Hudson and Nash-Kelvinator
together had a net worth of
more than \$385,000,000. Their
combined assets of more than
\$385,000,000. Their combined
assets of more than \$385,000,000.

In the new corporation, the
three divisions will operate as
separate divisions of American
Motors. The dealer and sales
organizations will retain their
separate identities. The new
corporation will be known as
American Motors Corporation.

Chasen Rabbed for \$1200 Cash by West German

CHASER—A man was
arrested today for the theft of
\$1200 in cash. The man was
arrested by a West German
police officer. The man was
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Chasen Rabbed

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